

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY L. REYES and
STEPHANIE JENSEN,

Defendants.

No.: CR 06-0556 CRB

~~PROPOSED~~ ORDER EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

Defendants Gregory L. Reyes and Stephanie Jensen appeared before this Court on August 9, 2006 for a motion hearing. Assistant United States Attorney Christopher Steskal appeared on behalf of the United States, Richard Marmaro appeared on behalf of defendant Reyes, and John Kecker appeared on behalf of defendant Jensen. At the conclusion of the hearing, the defense requested that the Court continue the preliminary hearing from August 16, 2006 to August 30, 2006 and that the Court exclude time under the Speedy Trial Act from August 9, 2006 through August 30, 2006.

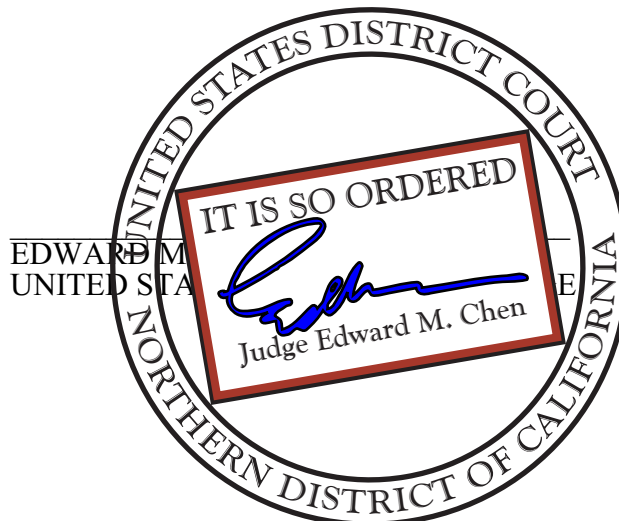
In particular, defense counsel for defendant Reyes represented that he was unavailable on August 16. In addition, the government represented that this case is complex and involved

1 voluminous discovery, including approximately 80 boxes of documents and 300 gigabytes of
2 electronically stored data. The government represented that it would not be able to begin to
3 provide discovery until mid-September. As such, the parties requested that due to the
4 voluminous discovery in this case and the unavailability of defense counsel, the Court exclude
5 time under the Speedy Trial Act. See 18 U.S.C. §§ 3161(h)(7) and 3161(h)(8)(A) and (h)(8)(B).

6 Accordingly, the Court HEREBY ORDERS that the time between August 9, 2006
7 through August 30, 2006 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court
8 finds that the exclusion is appropriate under 18 U.S.C. § 3161(h)(8)(B)(ii) because this case is
9 unusual and complex due the nature of the prosecution and it is unreasonable to expect adequate
10 preparation for pretrial proceedings or for trial itself within the time limits established by this
11 section. In addition, the Court finds that the failure to grant the requested exclusion would
12 unreasonably deny defendant Reyes continuity of counsel and deny defense counsel reasonable
13 time necessary to review discovery and for effective preparation, taking into account the exercise
14 of due diligence. The Court finds that the ends of justice served by granting the requested
15 exclusion outweigh the best interest of the public and the defendants in a speedy trial and in the
16 prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time
17 should be made under 18 U.S.C. § 3161(h)(8)(A).

18 SO ORDERED.

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21 DATED: August 29, 2006



1 Approved as to form:

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3 /s/
4 RICHARD MARMARO
5 Counsel for Defendant Reyes

6
7 /s/
8 JOHN KEKER
9 Counsel for Stephanie Jensen

10 /s/
11 CHRISTOPHER J. STESKAL
12 Assistant United States Attorney
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